

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

**LEWIS E. KNAPPER and
LINDA KNAPPER,**

Plaintiffs,

v.

**SAFETY KLEEN SYSTEMS, INC.,
et al.**

Defendants.

CIVIL ACTION NO. 9:08-CV-0084

**DEFENDANT UNITED STATES STEEL CORPORATION
USX CORPORATION, ARISTECH CHEMICAL CORPORATION,
SUNOCO, INC. (R&M) AND RADIATOR SPECIALTY COMPANY'S
JOINT DESIGNATION OF EXPERT WITNESSES**

TO THE HONORABLE JUDGE HEARTFIELD:

Defendants United States Steel Corporation, USX Corporation, Aristech Chemical Corporation, Sunoco, Inc. (R&M), and Radiator Specialty Company (collectively "US Steel/Radiator" or "Defendants"), pursuant to the Federal Rules of Civil Procedure, file their Joint Designation of Expert Witnesses and respectfully show the court as follows:

**I.
IDENTITY OF RETAINED EXPERTS**

The following persons may be used at trial to present evidence under Federal Rules of Evidence 702, 703, and 705:

1. John Spencer, CIH CSP
President, ENVIRONMENTAL PROFILES, INC.
813 Frederick Road
Baltimore, Maryland 21228
Telephone: 410-744-0700



The information required by Federal Rule of Civil Procedure 26(a)(2)(B) is attached hereto. Mr. Spencer's report (which includes his fee information), his CV and his list of testimony are attached as Exhibits A-1, A-2, and A-3, respectively. Three (3) CDs containing supporting documents and photos for Mr. Spencer's report are attached in an envelope labeled as Exhibit A-4. Three (3) DVDs pertaining to Mr. Spencer's report are contained in an envelope attached and labeled as Exhibit A-5. Also, three (3) CDs containing "EPI Folders" pertaining to Mr. Spencer's report are attached in an envelope labeled as Exhibit A-6.

2. David Pyatt, Ph.D.
SUMMIT TOXICOLOGY, LLP
1944 Cedaridge Circle
Superior, Colorado 80027
Telephone: 720-890-3798

The information required by Federal Rule of Civil Procedure 26(a)(2)(B) is attached hereto. Dr. Pyatt's report (which includes his fee information), CV, and list of testimony are attached as Exhibits B-1, B-2 and B-3, respectively.

3. David H. Garabrant, M.D., M.P.H.
Professor of Occupational Medicine and Epidemiology
THE UNIVERSITY OF MICHIGAN SCHOOL OF PUBLIC HEALTH
M6529 SPH II
109 Observatory St.
Ann Arbor, Michigan 48109-2029
Telephone: 734-936-0753

The information required by Federal Rule of Civil Procedure 26(a)(2)(B) is attached hereto. Dr. Garabrant's report, CV, fee statement and list of testimony are attached as Exhibits C-1, C-2, C-3 and C-4, respectively.

4. Peter J. Drivas, Ph.D.
2405 140th Avenue NE, Suite A101
Bellevue, Washington 98005-1877
Telephone: 425-562-4200

The information required by Federal Rule of Civil Procedure 26(a)(2)(B) is attached hereto. Dr. Drivas's report, which includes his CV, fee information and list of testimony, is attached as Exhibit D.

5. Richard S. Stein, M.D.
Vanderbilt University Medical Center
2665 The Vanderbilt Clinic
1301 22nd Avenue South
Nashville, Tennessee 37232-5505
Telephone: 615-936-1803

The information required by Federal Rule of Civil Procedure 26(a)(2)(B) is attached hereto. Dr. Stein's report, CV, fee statement and list of testimony are attached as Exhibits E-1, E-2, E-3 and E-4, respectively.

II. RELIANCE ON PLAINTIFF LEWIS KNAPPER'S DOCTORS AND MEDICAL CARE PROVIDERS

US Steel/Radiator intends to rely on all the experts, medical professionals and/or treating physicians identified by Plaintiffs in their Expert Disclosure, and US Steel/Radiator will call these persons as experts should the need arise. US Steel/Radiator further reserves the right to designate Mr. Knapper's treating doctors and medical care providers listed in Plaintiffs' Initial Disclosures as expert witnesses. US Steel/Radiator does not by this designation indicate its agreement that each person is qualified as an expert or that US Steel/Radiator agrees with such testimony.

The “treating doctors” and “medical care providers” identified in Plaintiffs’ Initial Disclosures may be used at trial to present evidence under Federal Rules of Evidence 702, 703, and 705 include, but are not limited to the following:

Dr. Thomas Chauncey
Dr. Paul O'Donnell
Dr. Effie Petersdorf
Dr. John Andrew Hansen
SEATTLE CANCER CARE ALLIANCE
825 Eastlake Avenue E
P.O. Box 19023
Seattle, Washington 98109-1023
Telephone: 206-288-2113

Dr. Pinnisi
RIVERSIDE HOSPITAL
Riverside, New Jersey

MEMORIAL SLOAN-KETTERING INPATIENT HOSPITAL AND MAIN CAMPUS
1275 York Avenue
New York, New York 10065
Telephone: 212-639-2000

Dr. Paul Quentzel
NORTH RIDGE MEDICAL CENTER
5601 North Dixie Highway
Ft. Lauderdale, Florida 33334
Telephone: 954-491-3301

UNIVERSITY HEART INSTITUTE CARDIOVASCULAR GROUP
2217 N. University Drive
Pembroke Pines, Florida 33024
Telephone: 954-963-6500

Dr. Lance J. Lehmann
LANCE LEHMANN, PA
PAIN CONSULTANTS OF FLORIDA, PA
3990 Sheridan Street, Suite 103
Hollywood, Florida 33021
Telephone: 954-986-0390

Dr. Barry Schiff
SILVER LAKES FAMILY MEDICINE

17779 S.W. 2nd Street
Pembroke Pines, Florida 33029

Dr. Harold S. Reitman
ORTHOPAEDIC ASSOCIATES
350 N. Pine Island Road, 2nd Floor
Plantation, Florida 33324
Telephone: 954-476-8800

Dr. Quang Le
DERMATOLOGY CONSULTANTS
603 N. Flamingo Road, Suite 350
Pembroke Pines, Florida 33028
Telephone: 954-435-5100

Dr. Frederick N. Wittlin
1150 N 35 Avenue, Suite 330
Hollywood, Florida 33021
Telephone: 954-364-4370

SOUTH FLORIDA ONCOLOGY - HEMATOLOGY
1150 N 35 Avenue, Suite 330
Hollywood, Florida 33021
Telephone: 954-364-4370

EYE SURGERY CONSULTANTS, INC.
2740 Hollywood Blvd.
Hollywood, Florida 33020
Telephone: 954-925-2740

DR. HARRY PEPE & ASSOCIATES, INC.
4510 Sheridan Street
Hollywood, Florida 33021
Telephone: 954-893-8900

Dr. Paul S. Jellinger
CENTER FOR DIABETES AND ENDOCRINE CARE
1150 N. 25th Avenue, Suite 500
Hollywood, Florida 33021
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Michael Irving Margolis, D.O.
DR. HARRY PEPE & ASSOCIATES, INC.
4510 Sheridan Street
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Dr. Lyle C. Feinstein
MEMORIAL CANCER INSTITUTE
MEMORIAL HOSPITAL WEST
801 N. Flamingo Rd., Ste 11
Pembroke Pines, Florida 33028
Telephone: 954-430-6868

Dr. Charles Gluck
GASTROENTEROLOGY CONSULTANTS, PA
4700 Sheridan Street, Suite M
Hollywood, Florida 33021
Telephone: 954-961-8400

MEMORIAL HOSPITAL WEST
801 N. Flamingo Rd., Ste 11
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Telephone: 954-430-6868

MEMORIAL REGIONAL HOSPITAL
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Hollywood, Florida 33021
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H. LEE MOFFITT CANCER CENTER & RESEARCH INSTITUTE
12902 Magnolia Drive
Tampa, Florida 33612-9497
Telephone: 813-745-4673

DIGESTIVE DISEASE CONSULTANTS OF SOUTH FLORIDA
North Ridge Medical Plaza
5601 N. Dixie Highway, Suite 306
Ft. Lauderdale, Florida 33334
Telephone: 954-491-3301

US Steel/Radiator further designates any and all additional treating physicians, representatives, agents and employees of the above-identified medical care providers.

In addition, US Steel/Radiator may take the oral deposition of Plaintiffs' treating doctors and medical care providers. The information specified in Federal Rule of Civil Procedure 26(a)(2)(B) will be available for the parties to elicit in the deposition.

**III.
RELIANCE ON PLAINTIFFS' EXPERTS**

US Steel/Radiator further reserves the right to cross examine and/or call as adverse witnesses Plaintiffs' designated experts. US Steel/Radiator does not by this designation indicate its agreement that each person is qualified as an expert or that US Steel/Radiator agrees with such testimony.

Plaintiffs' designated experts may be used at trial to present evidence under Federal Rules of Evidence 702, 703, and 705, and include:

Barry S. Levy, M.D., M.P.H.
20 North Main Street, Suite 200
P.O. Box 1232
Sherborn, Massachusetts 01770
Telephone: 508-650-1039

Stephen E. Petty, P.E., C.I.H.
ENGINEERING & ENVIRONMENTAL SERVICES, INC.
EES GROUP, INC.
6321 Irelan Place
Dublin, Ohio 43016
Telephone: 614-798-4123

Myron A. Mehlman, Ph.D.
MEDICAL NEUROLOGY & TOXICOLOGY, LLP
7 Bouvant Drive
Princeton, New Jersey 08540
Telephone: 609-683-1493

**IV.
OTHER DEFENDANTS' EXPERTS**

US Steel/Radiator reserves the right to elicit, by way of cross-examination, opinion testimony from experts designated and called by other parties to the suit. In the event that a present or future party designates an expert but then is dismissed for any reason from the suit or fails to call the designated expert, US Steel/Radiator reserves the right to designate

and/or call any such party or any such experts previously designated by any party. Please refer to designation of co-defendants' experts for a description of their potential testimony.

**V.
RIGHT TO SUPPLEMENT**

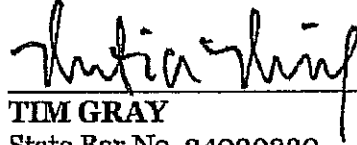
US Steel/Radiator reserves the right to supplement both the expert reports and/or this designation since discovery is continuing and information may become available in the deposition phase of discovery which is not available at this time. As discovery is ongoing and additional experts may need to be designated, US Steel/Radiator reserves the right to designate any additional expert witness, should it become necessary to do so at the conclusion of fact witness depositions, pursuant to the Federal Rules of Civil Procedure and/or the Federal Rules of Evidence, and/or by order of this Court.

US Steel/Radiator further reserves the right to call any rebuttal expert witness or any impeaching witness whose testimony cannot be anticipated before the time of trial and/or as should become necessary in the trial of this cause. US Steel/Radiator reserves the right to withdraw the designation of any expert and to aver positively that any such previously designated expert will not be called as a witness to trial, and to re-designate same as a consulting expert.

Respectfully submitted,

**DEFENDANTS UNITED STATES STEEL
CORP., USX CORP., ARISTECH CHEMICAL
CORP., and SUNOCO, INC. (R&M)**

By and Through Their Attorneys



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State Bar No. 24030230

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By and Through Its Attorneys


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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served on plaintiffs' lead counsel listed below via hand delivery and served on all counsel for defendants via facsimile (without attachments) in accordance with the FEDERAL RULES OF CIVIL PROCEDURE on this the 9th day of July, 2009.

Messrs. Lance Lubel and J. Robert Black (*Via Hand Delivery*)
HEARD ROBINS CLOUD & LUBEL, LLP
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Lead Counsel for Plaintiffs


PATRICE PUJOL